

to eliminate anybody who is nominated for a Federal judgeship who actually exercises their religious beliefs and states them for his own church, and that now disqualifies them? Let's start to take sandpaper out and scratch out "in God we trust" over there; let's start sanitizing this place of any faith that is not politically correct or of contemporary standards. Isn't that what faith is about, contemporary standards? It changes. If your faith doesn't change, you are out. If your faith doesn't adapt to the contemporary mores of today in America, you are disqualified.

Mr. President, that is what is being said here today. If you hold a traditional religion and stand by it, live it, practice it, espouse it, you need not apply, because your religion hasn't adapted to contemporary standards and, therefore, you cannot be a judge.

Imagine what our Founders would be doing right now. Imagine. Free exercise of religion. What does "exercise" mean? Does it mean sitting here like this? Is that exercise? How about going to church on Sunday, sitting in the pew, or staying at home and reading your Bible; is that exercise? We all know what exercise means. It means to get out and do it. They used an active word here. What was Leon Holmes doing? He was simply exercising his fundamental constitutional right to express his beliefs—not as a member of the legal community, not as a citizen of the State of Arkansas, but as a faithful Catholic to other Catholics in his Catholic community. And for that we say he cannot be a judge?

Some in this body today will vote against this man because he had the audacity to practice his faith. So we now understand the religious litmus test. If you belong to a religion that has not "adapted," has not stayed with the times, if you are one of these old-fashioned religions who believes the truth was actually laid out and the truth doesn't change, and we actually have people who believe—incredibly, to some in this body—that God laid out certain truths, communicated them, and they have not changed because God has not changed. But if you feel that way, you are out. You are out because the narrow views that do not embody contemporary standards—God's "narrow view"—at least some believe that, and I argue they have the right to believe in these "narrow views" that have been around for a couple thousand years, but they are narrow views. That is right, the path is narrow. Maybe now it is too narrow to get you through the Senate. Imagine. Imagine that here in a country that professes, as one of its highest ideals, the freedom of religion, in a country that, as we try to build a republic and a democracy in Iraq, that we had letters signed by people on both sides of the aisle in large numbers encouraging religious pluralism in Iraq, that we now say religious pluralism doesn't necessarily apply here anymore in the Senate.

This is a dangerous moment for us in the Senate. It is a dangerous moment, where a man may not become a judge simply because he holds religious tenets that have not kept up with contemporary mores.

Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There are 109½ minutes on the majority side, and 110 minutes on the minority side, with time expiring for the noon recess.

Mr. SANTORUM. I thank the Chair.

Mr. President, I conclude by saying this is an important vote. This is not just a vote to confirm a district judge in Arkansas. I know that does not sound like a big deal to people who are hearing my voice. It is a district court, a small court, Arkansas. It is not Washington, DC, or New York City. It is not a glamorous place to serve, just like western Pennsylvania and central Pennsylvania are not glamorous places to serve. But we do justice in these communities because we get good people who are from the community, who are good, decent, moral people, who live their faith as they are allowed to do by our Constitution.

If we send a message out today that living your faith, espousing your faith, exercising your religion is now cause for defeat on the floor of the Senate, if we send the word out today that unless your religious beliefs are contemporary or have been contemporized, unless you have adapted the popular culture into your faith, you are no longer suitable to hold that office, then I think we make a dangerous statement, not just to people in this country, but to the world.

This is a big vote. Anybody who thinks this is not a big vote, let me assure them, I will remind people here for quite some time how big a vote this was. This is a vote about religious freedom. This is a vote about the free exercise of religion, and this is a vote about tolerance.

We hear so much from the other side about tolerance—tolerance, tolerance, tolerance. Where is the tolerance of people who want to believe what has been taught for 2,000 years as truth. You have a right to disagree with that teaching. You have a right to adapt your contemporary mores to that teaching. But where is the tolerance of people who choose to keep that faith?

We will have a vote on Judge Leon Holmes, but it will be a bigger vote than just on that judge. It will be a vote on the soul of the free exercise of religion clause and of tolerance to religion.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m. today.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. SMITH).

NOMINATION OF J. LEON HOLMES, TO BE UNITED STATES DISTRICT JUDGE—Continued

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are under controlled time. The Senator from Vermont controls 110 minutes, and the Senator from Utah has 106 minutes remaining.

Mr. LEAHY. I thank the Chair.

Mr. President, the Senator from California, Mrs. BOXER, wishes to speak on a matter of personal concern to her State. I believe she mentioned this to the Senator from Utah. I ask unanimous consent that she be yielded 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized.

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself such time as I may need.

I welcome the distinguished Presiding Officer back from his break, and I hope he enjoyed his as much as I did, being in Vermont. In fact, I must say I hated to leave Vermont today; it was so nice.

But as the Senate resumes our deliberations for this session, I would like to make note of some matters that occurred on this floor as we were adjourning for the recess. The Senate confirmed six more judicial nominees. That brings to 197 the total confirmations since President Bush took office.

The distinguished Presiding Officer and others may recall, we only had one roll call vote on a judicial nominations that week. At the request of the distinguished majority leader, I agreed to have five judicial confirmation votes done by a voice vote. As often happens when we consider the judges by voice vote, I think the public, many Senators, and the press have little opportunity to take note of our actions or, as in this case, the extraordinary achievement. I say extraordinary because, when the Republicans controlled the Senate in the 1996 session, the last year of President Clinton's first term, they allowed only 17 judges to be confirmed that whole session and they refused to allow any circuit court nominees to be confirmed that entire time. If one Republican Senator objected, it was in effect a filibuster of the whole Republican caucus. They would not allow any circuit court nominees to go through during the 1996 session, not one. I mention that because that was the most recent year, besides this year, in which a President was seeking reelection.

Of course, this year alone, by the end of June, we far exceeded the number of judicial nominees confirmed, including circuit judges, for this President. We